

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

SUSAN FOX, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

TIME, INC., a Delaware Corporation,

Defendant.

Case No. 2:12-cv-14390-GCS-MKM

Hon. George C. Steeh

**STIPULATION TO ALLOW PLAINTIFF  
TO FILE FIRST AMENDED COMPLAINT**

This Stipulation is entered into by and among Plaintiff Susan Fox (“Plaintiff”) and Defendant Time Inc. (“Defendant”), by and through their respective counsel.

WHEREAS, on October 3, 2012, Plaintiff Susan Fox filed her class action complaint in the above-captioned matter (Dkt. 1);

WHEREAS, on December 3, 2012, Defendant filed a Motion to Dismiss Plaintiff’s lawsuit (Dkt. 22);

WHEREAS, on August 6, 2013, the Court granted in part and denied in part Defendant’s Motion to Dismiss (Dkt. 43);

WHEREAS, on October 3, 2013, the Court held a scheduling conference in chambers, during which Plaintiff’s counsel informed the Court that due to a recent

medical issue, Plaintiff's counsel – in conjunction with Plaintiff and her family – determined that Plaintiff was no longer able to serve as class representative;

WHEREAS, Plaintiff and her counsel believe that the putative Class would be best served by substituting in a new named plaintiff to serve as class representative;

WHEREAS, Plaintiff's counsel has conferred with Defendant's counsel and the Parties have agreed to allow Plaintiff to substitute Rose Coulter-Owens into the action as named plaintiff, based on Plaintiff's counsel's representation that the claims asserted by Coulter-Owens are virtually identical to those asserted by Fox;

WHEREAS, Defendant agrees that it will not attempt to negotiate or otherwise settle Coulter-Owens's claims (which is commonly referred to as a "pick off"), without the prior written consent of Plaintiff's counsel.

**NOW THEREFORE**, the Parties stipulate as follows:

1. Plaintiff Coulter-Owens shall have three weeks from the Court's entry of this stipulation to file an amended class action complaint;
2. Defendant Time Inc. will not, directly or indirectly, attempt to negotiate, settle, or otherwise "pick off" Plaintiff Coulter-Owens's claims against it without the prior written consent of Coulter-Owens's counsel.

**IT IS SO STIPULATED.**

Respectfully submitted,

Dated: November 7, 2013

**EDELSON LLC**

By: /s/ Ari J. Scharg  
One of Plaintiffs' Attorneys

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*Counsel for Plaintiff Susan Fox and the putative class*

Dated: November 7, 2013

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By: /s/ Sharon L. Schneier  
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*Counsel for Defendant Time Inc.*

Entered: November 7, 2013

s/George Caram Steeh  
HONORABLE GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE